



General Assembly

January Session, 2003

Amendment

LCO No. 5761

SB0033205761SD0

Offered by:

SEN. SULLIVAN, 5th Dist.
SEN. COLAPIETRO, 31st Dist.
SEN. CAPPIELLO, 24th Dist.
REP. FOX, 144th Dist.
REP. GREENE, 105th Dist.

To: Subst. Senate Bill No. 332

File No. 146

Cal. No. 121

**"AN ACT CONCERNING CONSUMER COMPUTER EQUIPMENT
LEASES."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 52-570c of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2003*):

5 (a) No person shall use a machine that electronically transmits
6 facsimiles through connection with a telephone network or a device
7 that automatically transmits a recorded telephone message to transmit
8 unsolicited advertising material or an unsolicited telephone message
9 which offers to sell goods or services.

10 (b) (1) No person shall send unsolicited advertising material by

11 electronic mail, or cause such material to be sent by electronic mail, to
12 an electronic mail address held by a resident of this state unless: (A)
13 Such person identifies in the electronic mail a toll-free telephone
14 number or a valid return electronic mail address that the recipient may
15 use to unsubscribe or otherwise notify the sender to not send any
16 further unsolicited electronic mail, and (B) the subject line begins with
17 the letters "ADV".

18 (2) Notwithstanding the provisions of subdivision (1) of this
19 subsection, no person or entity shall send by electronic mail, or cause
20 to be sent by electronic mail, unsolicited advertising material upon
21 notification by a recipient of such recipient's request to not receive any
22 further such material.

23 (3) For purposes of this subsection, (A) "person" does not include an
24 electronic mail service provider, as defined in section 53-451, or an
25 Internet access provider, (B) "Internet access provider" means a person
26 who provides underlying network facilities utilized in the
27 transmission of Internet services, and (C) electronic mail has
28 "unsolicited advertising material" if it includes an advertisement for
29 products or services and is sent without the consent of the recipient by
30 a person with whom the recipient does not have an established
31 business relationship, and electronic mail does not have "unsolicited
32 advertising material" if the sender has the consent of the recipient to
33 send such mail to the receiver, or if the sender has a prior or existing
34 business relationship formed by voluntary communication between
35 the sender and the recipient with or without an exchange of
36 consideration, in response to the recipient's inquiry about, application
37 for, purchase of or use of products or services offered by the sender.

38 (c) The provisions of this section shall not apply to tax-exempt
39 nonprofit organizations or to political or candidate committees or
40 candidates or solicitors, as defined in chapter 150.

41 [(b)] (d) Any person aggrieved by a violation of the provisions of
42 [subsection (a) of] this section may bring a civil action in the Superior

43 Court to enjoin further violations [and to recover the actual damages
44 sustained by reason of such violation, together with costs and a
45 reasonable attorney's fee, or two] and for five hundred dollars [,
46 whichever is greater] for each violation, together with costs and a
47 reasonable attorney's fee. No such action shall be brought but within
48 two years from the date of the act complained of. For purposes of this
49 subsection, each electronic mail sent in violation of subsection (b) of
50 this section constitutes a separate and distinct violation."